

[*Goklaney v. Tennessee Valley Authority*](#), 90-ERA-54 (Dep. Sec'y Nov. 30, 1990)

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U.S. DEPARTMENT OF LABOR

DEPUTY SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: November 30, 1990
CASE NO. 90-ERA-54

IN THE MATTER OF

CHANDER GOKLANEY,
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,
RESPONDENT.

BEFORE: THE ACTING SECRETARY OF LABOR¹

ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING CASE

Before me for review is the Recommended Order of Dismissal (R.O.) of Administrative Law Judge (ALJ) Daniel L. Stewart, issued September 24, 1990 (attached),² in this case which arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). The ALJ recommends approval of the agreement entered into by the parties in this case, and dismissal of the case with prejudice, as he has reviewed the agreement and found it to be "fair to all parties and consistent with the provisions of law." ALJ's R.O.

The conciliation agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-ERA-1, Sec. Order, November 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of Complainant's allegations that

Respondent violated the ERA.

Accordingly, the conciliation agreement, dated September 11, 1990, and the entire record before me, have been carefully reviewed and I find that the terms of the agreement are fair, adequate and reasonable.³ To that extent I accept the ALJ's recommendation to dismiss the complaint with prejudice, as requested by the parties.

The complaint in this case is DISMISSED with prejudice.

SO ORDERED.

Acting Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹There is presently a vacancy in the office of Secretary of Labor. The Deputy Secretary is authorized to "perform the duties of the Secretary until a successor is appointed. . . ." 29 U.S.C. § 552 (1988).

²The ALJ's [Recommended) Order of Dismissal has been attached for service to the parties, as the ALJ has indicated that he only forwarded the R.O. to the Secretary.

³The record before me included Respondent's pretrial Brief which was filed on September 6, 1990, and unanswered by Complainant. In this brief, Respondent asserted that Complainant could not make a prima facie case under the ERA for wrongful discharge. *See* Respondent's Pretrial Brief at 11-15.